

REMARKS / TRAVERSAL

Applicants respectfully submit that the Second Restriction Requirement is improper and the restriction set forth therein untimely and prejudicial, for the following reasons. As a general matter, "piecemeal examination should be avoided . . ." MPEP 707.07(g). More specifically, and in the context of a restriction requirement:

When making a [restriction] requirement every effort should be made to have the requirement complete. If some of the claimed inventions are classifiable in another art unit and the examiner has any doubt as to the proper line among the same, the application should be referred to the examiner of the other art unit for information on that point and such examiner should render the necessary assistance.

MPEP 815.

Neither the requirements of MPEP Section 707.07(g), nor the requirements of MPEP 815, have been met in this case. In response to a First Office Action dated May 20, 2004 (the "First Restriction Requirement"), Applicants elected the invention identified by the Examiner as comprising claims 1-6, 7-13, and 33-36 (the "First Invention I"). Claims to two non-elected inventions were withdrawn. Applicants were unaware, and had no way of knowing that the First Restriction Requirement was a piecemeal and incomplete restriction requirement.

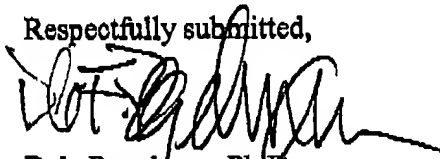
In a Second Office Action, dated September 9, 2004, the Examiner imposed another restriction requirement (the "Second Restriction Requirement"), which parses Invention I into three separate sub-Inventions. The Applicants are prejudiced by the Second Restriction Requirement. The Examiner should have completed a comprehensive restriction analysis and should have provided a comprehensive restriction requirement ("Comprehensive Restriction Requirement") in the First Office Action. The MPEP requires nothing less.

Had Applicants received a Comprehensive Restriction Requirement setting forth the Examiner's comprehensive restriction analysis of all the claims presented, Applicants may well have made an election of claims that is now unavailable. Applicants cannot know which claims they would have elected unless and until the Examiner provides such a Comprehensive Restriction Requirement.

To the extent the First Restriction Requirement in combination with the Second Restriction Requirement comprises a Comprehensive Restriction Requirement, then Applicants respectfully request the Examiner withdraw both the First Restriction Requirement and the Second Restriction Requirement, and provide the required Complete Restriction Requirement that recites a total of 5 inventions. In the alternative and to the extent the First Restriction Requirement in combination with the Second Restriction Requirement does not comprise a Comprehensive Restriction Requirement, then Applicants respectfully request the Examiner withdraw both the First Restriction Requirement and the Second Restriction Requirement, and provide the required Complete Restriction Requirement covering all the claims presented.

In the event there are any fee deficiencies or additional fees are payable, please charge them, or credit an overpayment, to our Deposit Account No. 502262.

Respectfully submitted,



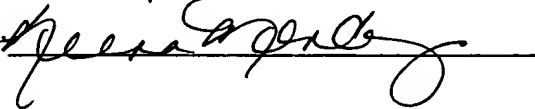
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I hereby certify that this correspondence is being deposited with the United States postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 5, 2009, at Tucson, AZ.

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